

## REMARKS

Applicant respectfully requests reconsideration of this application as amended. Claims 1-8, 10-16, 18-35, 37-59, and 61-66 are currently pending in this application. Claims 1-8, 10-16, 18-31, 42-46, 50, 53-56 and 58 have been amended, and claims 65 and 66 are new.

### New Claim Rejections under 37 CFR §41.50(b) from the Board of Patent Appeals and Interferences:

The Board of Patent Appeals and Interferences (Board) *pro forma* reversed the three previous rejections under 35 USC §103, and subsequently rejected the claims under 37 CFR §41.50(b). In response, the applicant has amended the claims to overcome the new rejections for reconsideration by the Examiner. The amendments and new rejections are addressed below.

#### 35 U.S.C. §112:

Claims 1-8, 10-16, 18-35, 37-59, and 61-64 were rejected under 35 U.S.C. §112, second paragraph, as being vague and indefinite. Applicant respectfully disagrees.

The claims have been amended to overcome the rejection under 35 U.S.C. §112. As to independent claim 1, the majority of the Board found that the use of the word “to” in the claim language created ambiguities as to whether a positive statement of function was attributed to the verb. Applicant disagrees with the rejection, and notes that the any ambiguity is naturally removed by recitations in subsequent limitations from the use of “to”, as one commonly skilled in the art would immediately recognize. Applicant also disagrees that “displaying” requires structure, because it is clearly stated to be a method claim. Without agreeing with the Board, the applicant has amended the claims and submits that the claims satisfy §112(2).

In light of the foregoing arguments applicant respectfully requests the Examiner to withdraw the rejection under 35 U.S.C. §112, second paragraph.

35 U.S.C. §101:

Claims 1-8, 10-16, 18-29, 42-59, and 61-64 were rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Applicant respectfully disagrees.

Claims 1-8, 10-16, 18-29 have been amended to define the method as a “computer implemented” method. Applicant notes that the rejection was silent as to why claims 1-8, 10-16, and 18-22 were rejected under 35 U.S.C. 101.

The Board rejected claims 23-29 for directly claiming an application program interface. Applicant is not claiming an application program interface; the applicant is claiming a computer implemented method of using an application program interface and functionality related to the application program interface. The claims have been amended to include additional features to further show that a method is being claimed which is machine implemented.

The Board further rejected the remaining claims because they fail to specify that the medium is a structural element or tangible medium. The Board further stated that paragraph [0016] included machine readable medium to include mere signals. Applicant disagrees because a machine readable medium is inherently an article of manufacture; this is well established law. This medium stores executable instructions. Furthermore it is well known that it is improper to limit the claims in light of specification. Regardless the Board has simply misread the specification, as it clearly states in paragraph [0016] that the machine readable medium(s) are accessible via signals, and does not state that machine readable medium(s) are signals. Moreover, the claims require that the medium store executable instructions. Hence the claims are directed to a tangible medium.

In light of the foregoing arguments applicant believes that claims 1-8, 10-16, 18-35, 37-59, and 61-64 are not directed to non-statutory subject matter, and respectfully requests the Examiner to withdraw the rejection under 35 U.S.C. 101.

Previous Claim Rejections - 35 U.S.C. §103(a)

Applicant notes that the Board did not rule on the merits of the previous 35 USC §103 rejections. Applicant hereby incorporates by reference the arguments submitted in the previous appeal brief to the previous obviousness rejection.

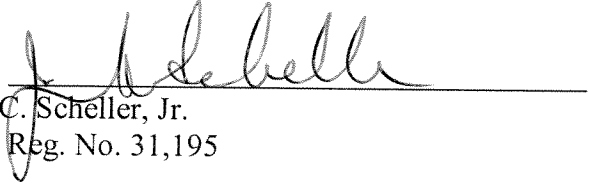
Applicant respectfully submits that in view of the amendments and arguments set forth herein, the applicable rejections have been overcome.

Please charge any shortages and credit any overcharges to our Deposit Account No. 02-2666.

Respectfully submitted,

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